

Remarks

Applicant has reviewed the Office Action dated as mailed February 27, 2006, and the documents cited therewith. After the above amendments have been made, the present application contains claims 1-36. Claims 1, 14, 21, 26, and 32 have been amended.

Claim Rejections under 35 U.S.C. §102

Claims 1-3, 7, 8, 13, 26, and 30 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,931,592 to Ramaley et al. (hereinafter Ramaley). This rejection is respectfully traversed. The present invention is related to a method and system to manage documentation associated with software development or the development of a software product. In contrast, Ramaley discloses a system and method for reviewing and merging electronic documents. Ramaley shows no recognition for the problem solved by the present invention of effectively and efficiently managing documentation associated with line items corresponding to changes in software code associated with a software product. Accordingly, claim 1 has been amended to recite:

“assigning a predetermined number of line items to a single writer by a user on a system to manage documentation, wherein each line item corresponds to a change in a software product;... and
performing any changes related to each line item across all affected books associated with the software product.”

In contrast, Ramaley teaches assigning an electronic document to a reviewer and not assigning a predetermined number of line items each corresponding to a change in a software product or code as provided by the present invention as recited in amended claim 1. Additionally, Ramaley teaches making edits to the assigned document and Ramaley does not teach or suggest performing any changes related to each assigned line item across all effected books associated with the software product as also provided by the present invention as recited in amended claim 1. Therefore, Applicant respectfully submits that claim 1 is patentably distinguishable over Ramaley, and reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of independent claim 1 is respectfully solicited.

With respect to the rejection of claims 2-3, 7, 8, and 13 under 35 U.S.C. §102(e) as being anticipated by Ramaley, these claims recite additional features which further patentably distinguish over Ramaley. Specifically, these claims recite features associated with line items corresponding to changes in the software product and books associated with the software product which are neither taught nor suggested by Ramaley. Additionally, these claims depend either directly or indirectly from independent claim 1, and by virtue of that dependency, contain all of the features of independent claim 1. Accordingly, these claims 2-3, 7, 8, and 13 are also submitted to be patentably distinguishable over Ramaley, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully solicited.

Regarding the rejection of independent claim 26 under 35 U.S.C. §102(e) as being anticipated by Ramaley, claim 26 has been amended recite similar features to independent claim 1. Therefore, for the same reasons discussed with respect to claim 1, Applicant submits that claim 26 is patentably distinguishable over Ramaley, and reconsideration and withdrawal of the Section 102 rejection of claim 26 is respectfully requested.

With respect to the 35 U.S.C. §102(e) rejection of claim 30 under 35 U.S.C. §102(e) as being anticipated by Ramaley, claim 30 depends directly from independent claim 26. Because of this dependency, claim 30 contains all of the features of independent claim 26. Accordingly, claim 30 is submitted to be patentably distinguishable over Ramaley, and reconsideration and withdrawal of the Section 102 rejection of claim 30 is respectfully solicited.

Claim Rejections under 35 U.S.C. §103

Claims 9-12, 14-15, and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaley.

Turning initially to dependent claim 9, as admitted in the Office Action Ramaley fails to specifically disclose any changes related to each line item across all books; however, the Office Action went on to assert that Ramaley with the use of proofreading would have been obvious to one of ordinary skill in the art at the time of the present invention. Applicant respectfully submits that this rejection under Section 103 is improper and requests that a prior art reference be

cited that teaches the patentable features of claim 9, namely reviewing any changes related to each line item across all books, where the books are associated with a software product as indicated in amended claim 1 from which claim 9 depends. Further, as a result of that dependency, claim 9 contains all of the features of claim 1. Therefore, claim 9 is submitted to be patentably distinguishable over Ramaley, and reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claim 9 is respectfully solicited.

Similarly, claims 10-12 recite features which the Office Action admits are not taught by Ramaley but would be obvious to one of ordinary skill in the art. Applicant respectfully submits that the features recited in claims 10-12 are related to line items corresponding to changes in a software product and books associated with the software product and would not be obvious to one of ordinary skill in the art at the time the present invention was made. Accordingly, Applicant respectfully submits that a prima facie rejection under 35 U.S.C. § 103 has not been properly made and requests that prior art references that teach the features of claim 10-12 be cited in rejecting the claims under Section 103.

Additionally, claims 10-12 depend either directly or indirectly from independent claim 1, and as a result of that dependency, these claims contain all of the features of claim 1. For all of these reasons, claims 10-12 are submitted to be patentably distinct over Ramaley, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 10-12 is respectfully requested.

Turning now to the rejection of independent claim 14 under 35 U.S.C. §103(a) as being unpatentable over Ramaley, the Office Action admits that claim 14 recites features similar to claims 9 and 10 which are not taught by Ramaley. The Office Action goes on to assert that these features though not disclosed by Ramaley would be obvious to one skilled in the art. Applicant respectfully disagrees and requests that prior art references be cited that teach these features related to line items associated with software changes and books related to a software product as provided by the present invention as recited in the claims.

Additionally, claim 14 has been amended to recite similar features to claim 1 and recites additional features which further patentably distinguish over Ramaley and are not taught or suggested by Ramaley. Therefore, amended claim 14 is submitted to be patentably distinct over

Ramaley, and reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claim 14 is respectfully requested.

With respect to the 35 U.S.C. §103(a) rejection of claim 15, claim 15 recites an additional feature which further patentably distinguishes over Ramaley, and claim 15 depends directly from independent claim 14. Because of that dependency claim 15 contains all of the features of independent claim 14. Reconsideration and withdrawal of the Section 103 rejection of claim 15 is therefore solicited.

Regarding the rejection of claims 18-20 under 35 U.S.C. §103(a) as being unpatentable over Ramaley, these claims recite additional features related to line item changes to a software product and books associated with the software product that are neither taught or suggested by Ramaley. Additionally, these claims depend directly from independent claim 14, and as a result of that dependency contain all of the features of claim 14. Accordingly, claims 18-20 are submitted to be patentably distinguishable over Ramaley, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of these claims is respectfully requested.

Claims 4-5, 16-17, and 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaley in view of Microsoft "Release Notes for Windows XP Service Pack 1 and Service Pack 1a" (hereinafter Release Notes). This rejection is respectfully traversed.

Applicant respectfully submits that this rejection under 35 U.S.C. §103 does not follow the M.P.E.P. §706.02(j) which states:

"After indicating that the rejection is under 35 U.S.C. §103, the examiner should set forth in the Office Action:... (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification... the teaching or suggestion to make the claim combination and the reasonable expectations of the success must both be found in the prior art and not based on applicant's disclosure." *In re vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that there is no teaching or suggestion in Ramaley or the Release Notes that their teachings may be combined so as to provide the present invention as recited in the claims and such motivation only comes from Applicant's disclosure. This approach constitutes impermissible hindsight and must be avoided. Neither Ramaley, as

discussed above, nor the Release Notes teach or suggest a method to manage documentation associated with software development or changes to a software product as provided by the present invention as recited in the claims. Even if it were proper to combine the teachings of Ramaley and the Release Notes, they still would not provide the present invention as recited in claims 4-5, 16-17, and 27-29. These claims recite additional features related to line items corresponding to changes in a software product and books associated with the software product which are neither taught nor suggested by either Ramaley or the Release Notes. Additionally, claims 4-5 depend either directly or indirectly from independent claim 1, claims 16-17 depend either directly or indirectly from independent claim 14 and claims 27-29 depend either directly or indirectly from independent claim 26. By virtue of these dependencies, these dependent claims contain all of the features of the referenced independent claim. As previously discussed claims 1, 14 and 26 are patentably distinguishable over Ramaley and the Release Notes add nothing to the teachings of Ramaley so as to render these independent claims unpatentable. Accordingly, for all of the reasons discussed above, claims 4-5, 16-17, and 27-29 are submitted to be patentably distinguishable over Ramaley and the Release Notes, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of these claims is respectfully requested.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaley in view of Online Training Solutions, Inc., "Microsoft Office Word 2003 Step by Step," published 9/24/2003 (hereinafter Online Training Solutions). Applicant respectfully submits that there is no motivation in Ramaley or Online Training Solutions that may be combined so as to provide the present invention as recited in claim 6. Claim 6 recites: "tracking line items and changes related to the line items." The line items correspond to changes in a software product as indicated in amended claim 1 from which claim 6 depends. Because neither Ramaley nor Online Training Solutions teach or suggest anything about line items corresponding to changes in a software product or software development, a person of ordinary skill in the art would not be motivated to combine the teaching of Ramaley and Online Training Solutions so as to provide the present invention as recited in the claims. Additionally, claim 6 as depending from claim 1, contains all of the features of claim 1. Applicant respectfully submits that Online Training

Solutions adds nothing to teachings of Ramaley so as to render independent claim 1 unpatentable. Accordingly, claim 6 is submitted to be patentably distinguishable over Ramaley and Online Training Solutions, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of claim 6 is respectfully solicited.

Claims 21-22 and 32-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaley in view of Online Training Solutions and further in view of U.S. Patent 6,920,495 to Fuselier et al. (hereinafter Fuselier) and further in view of Symantec "Time Line 5.0 User Manual" (hereinafter Symantec). None of these cited documents teach or suggest managing documentation associated with software development, managing line items corresponding to changes in a software product, and performing changes related to each assigned line item across all effected books associated with the software product, as provided by the present invention as recited in the claims. Accordingly, Applicant respectfully submits that there is no motivation to combine these references and the rejection under 35 U.S.C. §103(a) is improper under M.P.E.P. § 706.02 (j) as recited above.

Even if it were proper to combine the teachings of these cited documents, they still would not provide the present invention as recited in the claims. Independent claims 21 and 32 have been amended to recite features similar to those of independent claim 1. Accordingly, independent claims 21 and 32 are submitted to be patentably distinguishable over Ramaley for the same reasons as discussed above with respect to claim 1. Additionally, Online Training Solutions, Fuselier, and Symantec add nothing to the teachings of Ramaley so as to render claims 21 and 32 unpatentable. Therefore, independent claims 21 and 32 are submitted to be patentably distinguishable over the cited documents, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 21 and 32 is respectfully solicited.

Claim 22 depends directly from independent claim 21 and claim 33 depends directly from independent claim 32. Accordingly, these claims contain all of the features of the referenced base claim and are submitted to also be patentably distinguishable over the cited documents. Reconsideration and withdrawal of the Section 103 rejection of claims 22 and 33 is, therefore, also respectfully requested.

Claims 23-25 and 34-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaley in further view of Online Training Solutions, Fuselier, Symantec and the Release Notes. As previously discussed, there is no motivation to combine these documents to provide the present invention as recited in the claims because none of these documents teach or suggest a method or system to manage documentation associated with software development or managing line items corresponding to changes in a software product or performing changes related to each assigned line item across all effected books associated with the software product as provided by the present invention as recited in the claims. Additionally, any possible motivation to combine these prior art documents could only be suggested by the present invention which is improper under M.P.E.P. § 706.02(j).

Even if it were proper to combine all of these cited documents, they still would not provide the present invention as recited in claims 23-25 and 34-36. These claims contain additional features which further patentably distinguish over the cited documents. Claims 23-25 depend either directly or indirectly from independent claim 21 and claims 34-36 depend either directly or indirectly from independent claim 32. As a result of these dependencies, the dependent claims contain all of the features of the referenced independent claim. As previously discussed, claims 22 and 32 are patentably distinguishable over Ramaley, Online Training Solutions, Fuselier, and Symantec. The Release Notes add nothing to the teachings of these references so as to render independent claims 22 and 32 unpatentable. Therefore, claims 23-25 and 34-36 are submitted to be patentably distinguishable over Ramaley, Online Training Solution, Fuselier, Symantec, and the Release Notes, and reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of these claims is respectfully solicited.

Conclusion

Applicant respectfully requests entry of this amendment under Rule 116 in that this amendment renders all of the claims in the present application in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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Date: April 17, 2006

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